

1                                   **MINUTES OF THE COTTONWOOD HEIGHTS CITY**  
2                                   **PLANNING COMMISSION MEETING**

3  
4                                   **Wednesday, May 2, 2018**  
5                                   **5:00 p.m.**  
6                                   **Cottonwood Heights City Council Room**  
7                                   **2277 East Bengal Boulevard**  
8                                   **Cottonwood Heights, Utah**  
9

10 ***ATTENDANCE***

11  
12 **Members Present:**   Chair Allen Orr, Craig Bevan, Sue Ryser, Chris Coutts, Graig Griffin, Doug  
13                                   Rhodes, Alternate Bob Wilde  
14

15 **Staff Present:**       Community Development Director Brian Berndt, City Planner Andrew  
16                                   Hulka, Public Relations Specialist Dan Metcalf, City Recorder Paula  
17                                   Melgar, City Attorney Shane Topham, City Planner Michael Johnson  
18

19 **Excused:**               Jesse Allen  
20

21 **WORK SESSION**  
22

23 Chair Allen Orr called the meeting to order at 5:05 p.m.  
24

25 Chair Orr introduced New Planning Commissioner Member, Doug Rhodes.  
26

27 **1.0    Review Business Meeting Agenda.**  
28

29 The agenda items were reviewed and discussed.  
30

31 **2.0    Additional Discussion Items.**  
32

33 City Planner, Michael Johnson, reported that the first agenda item involves a request from the  
34 Canyons School District to construct a Public Facilities Electronic Display Sign (PFEDS) at  
35 Ridgecrest Elementary School, which is located at 1820 East 7200 South. The request was  
36 previously approved by the Planning Commission; however, an appeal was filed by a nearby  
37 resident and a hearing was held with the City's Appeals Hearing Officer. Ultimately, the matter  
38 was remanded back to the Planning Commission to add detail to the written staff report and written  
39 findings of fact. It was noted that Conditional Use Chapter 19.84.080, addresses determinations  
40 regarding Conditional Use Permits.  
41

42 Previously, staff's finding was that the request meets the intent of the Monument Sign Ordinance.  
43 They determined that the request complied with all the applicable standards. The standards were  
44 included in an updated staff report and the proposal remained very similar, if not identical. The  
45 proposal was reviewed. Mr. Johnson explained that because of the technical details contained in  
46 19.82.100, the City requires written certification from an industry professional confirming that

1 each of the technical requirements is addressed. The recommended conditions did not change  
2 significantly from the previous consideration.

3  
4 Commissioner Griffin asked if there was something similar in the City for comparison.  
5 Mr. Johnson referenced a sign near the Dan's Foods parking lot that has similar technical  
6 requirements but is of an entirely different scale.

7  
8 Brian Bates from Impact Signs reported that most of the signs they deal with have requirements  
9 that are not this strict. Most of the time, they do not have this level of technical requirements and  
10 the signs are programmable in terms of light sensitivity and hours of operation. He understood  
11 that the Commission Members are concerned but was unsure if there are any signs similar to what  
12 is proposed. Most are custom ordered; however, he could arrange to bring a similar board that  
13 better demonstrates what is proposed. He explained that the content of the sign is programmable  
14 through a laptop that will be located at the school.

15  
16 Chair Orr commented that the school agreed to move a security light near where the sign will be  
17 located. It was noted that there are several additional nearby security lights that will put out  
18 significant light at night. There was some question as to whether the sign will pick that up.  
19 Mr. Bates confirmed that the sign will recognize it, but it can be programmed to dim to a certain  
20 level to prohibit the ambient lighting from affecting it. Light emission issues were reviewed.  
21 Mr. Bates offered to bring a message board to allow the Commission Members to view it during  
22 the proposed hours of operation. Chair Orr suggested that they visit the Impact Signs warehouse  
23 to make a better-informed decision. It was also recommended that notice be provided on the City's  
24 website.

25  
26 City Planner, Andy Hulka, addressed Project #CUP-18-003 regarding a request from Mark and  
27 Rhonda Swant and Brian Reuben for Conditional Use and Site Plan approval to construct and  
28 operate a medical office. The applicants were also requesting a lot consolidation and subdivision  
29 plat amendment to the Greenfield Village Plat A Subdivision. The request will affect the properties  
30 located at 6690 and 6672 South Highland Drive. He explained that the request requires Planning  
31 Commission approval as one of the lots is part of an existing subdivision. The applicants are  
32 providing 44 parking stalls although only 39 are required. It was noted that the landscaping  
33 requirement is more than double what is required at 23.4%. The request was determined to meet  
34 the minimum lot size of 7,000 square feet with the proposed 34,000 square feet. The lot  
35 consolidation was determined to meet all requirements. Technical revisions were to be reviewed  
36 by staff as a part of the conditions of approval. The proposed building height is 33 feet 10 inches,  
37 which is less than the 35-foot maximum.

38  
39 The setbacks were reviewed. It was reported that the next architectural review is scheduled for  
40 May 10. The proposed lighting for the project was discussed. No fencing was proposed; however,  
41 some exists around the perimeter of the property. The parking standards in the zoning ordinance  
42 allows the Planning Commission to require landscaped screening or fencing to eliminate any  
43 disturbance from vehicle lights. Mr. Hulka stressed the importance of reviewing lighting,  
44 especially with respect to the potential impact to adjacent residential.

### 45 46 **3.0 Adjournment**

1  
2 *Commissioner Ryser moved to adjourn the Work Session. Commissioner Bevan seconded the*  
3 *motion. The motion passed with the unanimous consent of the Commission.*  
4

5 The Work Meeting adjourned at 5:55 p.m.  
6

## 7 **BUSINESS MEETING**

8

### 9 **1.0 WELCOME/ACKNOWLEDGEMENTS**

10

11 Chair Orr called the meeting to order at approximately 6:00 p.m. and welcomed those in  
12 attendance. He introduced Doug Rhodes as the Newest Member of the Planning Commission.  
13 Commissioner Rhodes reported that he has been a resident of Cottonwood Heights for over 30  
14 years and is currently a realtor. He appreciated the opportunity to serve.  
15

### 16 **2.0 CITIZEN COMMENTS**

17

18 Nancy Hardy asked if a City Center is still one of the City's objectives. She understood that  
19 Millcreek City is receiving citizen input and planning their own city center. She had heard that  
20 there is LDS Church property available along Danish Road and Wasatch Boulevard and suggested  
21 the City somehow acquire it and utilize it as open space.  
22

23 Gary Allen asked for an update on the Accessory Dwelling Unit issue. Mr. Johnson confirmed  
24 that the matter is currently under consideration with the City Council. A Mayors Meeting is  
25 scheduled sometime in May where the matter will be further discussed. The only required public  
26 hearing is at the Planning Commission level.  
27

### 28 **3.0 PUBLIC HEARING**

29

#### 30 **3.1 (Project #CUP-17-008) Public Comment on a Request from Canyon School District** 31 **to Construct a Public Facilities Electronic Display Sign (PFEDS) at 1820 East 7200** 32 **South (Ridgecrest Elementary School).** 33

34 Mr. Johnson presented the staff report and stated that the application is being reconsidered. It was  
35 previously approved as a conditional use. An appeal was filed by a member of the public that was  
36 heard by the City's Appeals Hearing Officer. There are standards that need to be explicitly  
37 addressed in writing when a conditional use permit is denied. The Appeals Hearing Officer felt  
38 that those standards were not adequately addressed in writing and remanded the matter back to the  
39 Planning Commission. The staff report was updated with written findings of fact. The proposed  
40 signage will be 7' 8" inches tall by 8' 4" wide, which is very close to the maximum size allowed.  
41 The electronic portion of the sign is 24 square feet in size, which is well under 50% of the overall  
42 area. The school district confirmed that a security light near the proposed sign location will be  
43 removed. Conditions include signage being turned off no later than 9:00 p.m. and that proper  
44 certification of all technical requirements being submitted in accordance with the ordinance. The  
45 written findings of fact were set forth in the staff report.  
46

1 Julie Winfrey identified herself as the Principal of Ridgecrest Elementary School and stated that  
2 she has been the principal for the last three years. She realized that communication with the public  
3 has been a problem and many families do not get email. There is a large population that picks up  
4 and drops off every day as well as those who drive 7200 South. She hoped to communicate with  
5 those people through the proposed electronic sign. She noted that Ridgecrest Elementary is one  
6 of the only schools in the Canyons School District that does not have an electronic sign. She  
7 stressed the importance of communicating with patrons and the community. It would be their  
8 intent to run the sign daily from 8:00 a.m. to 9:00 p.m.

9  
10 Chair Orr asked for clarification regarding the drop off and pick up traffic. Ms. Winfrey explained  
11 that drop offs occur in a large circle that runs from 7200 South and along the side of the school  
12 where the sign will be placed. The vehicles then exit along the east side. The 9:00 p.m. shut off  
13 time was recommended by other schools to allow additional time for the sign to be seen by those  
14 who may be passing by later in the evening.

15  
16 Commissioner Wilde stated that the ordinance did not address certain points that should be  
17 considered by the Planning Commission. He noted that they were not listed in the previous  
18 recommendation. He commented on a bullet point that specifies that the use will not be detrimental  
19 to the health, safety, comfort, or general welfare of those residing in the area. He believed it will  
20 be detrimental to the adjacent neighbors.

21  
22 Ms. Winfrey remarked she and a Canyons School District representative visited all of the homes  
23 that are adjacent to the sign. Only one neighbor objected to the sign. All others were supportive.  
24 She stated that no other citizens have complained or expressed opposition.

25  
26 Rick Conger, Director of Facilities for the Canyons School District, reported that he has known  
27 the adjacent neighbors for several years and has had many discussions regarding the proposed  
28 signage. He was not asking the school to relocate the sign, but instead consider modifying it so  
29 that the direction can be changed. He commented that the lights are programmed to remain on  
30 during after school activities. In reviewing parent drop offs, the sign will only be visible as  
31 motorists exit the parking lot. This was considered to be too distracting as motorists should be  
32 paying attention to traffic rather than the sign. A balance could be reached by providing notice to  
33 of those who utilize the school as well as motorists. They had not met to determine if a one-sided  
34 sign would be beneficial.

35  
36 In response to a question raised, Ms. Winfrey believed it was important to be a good neighbor and  
37 remarked that she has a very good relationship with the community. The person who is opposed  
38 to the sign has been upset multiple times over other issues. Her opinion was that he purchased a  
39 home next to a school and was aware of the potential impacts. The need for signage is very  
40 important to the school and if it is one sided, opportunities to reach the public will be missed.  
41 Ms. Winfrey stated that they have tried to negotiate and meet the neighbor's needs.

42  
43 Commissioner Griffin noted that this is not just an issue with this school as they are trying to find  
44 a solution for others as well. They want to understand how the signage works and better  
45 communicate with those who live close to these types of signs. His struggle was with a sign that  
46 is primarily used for advertising. His opinion was that type of sign has no place in a neighborhood.

1 He considered those used for messaging, however, to be very beneficial. He believed the City  
2 should tailor the technology to benefit everyone so that it is easier to regulate in the future.

3  
4 Mr. Conger reported that he lived adjacent to a school for many years and found that the signage  
5 often generates complaints. They were trying to determine a protocol district-wide about when  
6 they should be go off and on. Currently, they are programmed to each individual school.

7  
8 Commissioner Coutts asked about the current light level of the security lighting the district has  
9 proposed be removed. She suggested that the light levels be tested prior to removal to allow them  
10 to understand how the message board could potentially impact that. Mr. Conger confirmed that  
11 they make every effort to work with the neighbors.

12  
13 Commissioner Coutts addressed Point Number 3, which states that the use will comply with the  
14 intent, spirit, and regulations of the title and be compatible and implement the planning goals and  
15 objectives of the City. She believed the District had accomplished this.

16  
17 Chair Orr reviewed Point Number 4, which states that the use will be harmonious with neighboring  
18 uses, zoning, and the zoning district in which it is located. At first glance, he believed it was not  
19 compatible and asked for clarification. Point Number 5 addresses nuisances that would not be in  
20 harmony with neighboring uses and regulated by the conditions imposed. He asked if there were  
21 other recommended conditions.

22  
23 Mr. Conger reported that they are working with the City to maintain compliance. He was not  
24 aware of any other conditions. With regard to nuisance, if someone lives near a school, with or  
25 without a sign, that alone could be considered a nuisance. Schools are placed in residential areas  
26 for the convenience of the students.

27  
28 Point Number 6 was next addressed regarding the protection of property values, the environment  
29 of the City, and the potential tax base. Ms. Winfrey stated that she had yet to see any evidence  
30 that school message boards impact property values.

31  
32 Chair Orr was of the understanding that a portion of the proposed signage is a marquis and the  
33 upper portion will be used for messaging.

34  
35 Mr. Johnson reported that the research referenced was provided at the Appeals Hearing and did  
36 not include information on digital billboards and their impact on property values. He stated that  
37 the staff report referenced several points that did not seem to apply in this case but would apply to  
38 a new construction project. Point Numbers 9, 10, 12, 13, 14, 15 and 16 seemed better suited to a  
39 larger scale development than a sign and were determined to not apply to this analysis.

40  
41 Commissioner Coutts noted that the issue seems to be with the west side being illuminated and  
42 asked if terminating that side at an earlier time would resolve the issue.

43  
44 Chair Orr opened the public hearing.

1 James Adinaro reported that files the appeal and was the reason they were discussing the proposal  
2 a second time. It was not his intent to prevent the school from communicating with its patrons. It  
3 was, however, his intent to preserve the view from his bedroom window. He presented a Brief to  
4 the Commission containing the following three recommendations:  
5

- 6 1. The billboard should be one-sided and face east.  
7

8 Mr. Adinaro explained that the current condition is mandatory and is written into the ordinance,  
9 which allows a maximum of one sign. He explained that each area capable of displaying a separate  
10 electronic message shall be considered an electronic display sign, including those sharing the same  
11 support structure. He believed this clearly and unambiguously prohibits a dual-sided sign. If it is  
12 to be one-sided, he recommended it be visible to the east.  
13

- 14 2. When the security lights come on, the proposed signage should be turned off to preserve  
15 the natural ambient lighting.  
16

- 17 3. Implement ideas shared by the school district into the conditions of approval.  
18

19 Commissioner Griffin believed the most important issue was the brightness of the sign. He asked  
20 Mr. Adinaro if he would agree to something less bright than a headlight on a car or parking lot  
21 lights that is still fully readable. Mr. Adinaro confirmed that as an alternative to his second  
22 condition, he would be willing to consider Commissioner Griffin's suggestion as an option.  
23

24 Larry Jewkes reported that he lives four homes west of the school and was not contacted. He  
25 commented that the proposed sign will not solve the existing problems since there are a number  
26 of children who are bussed in who will not see the information displayed on the proposed sign.  
27

28 Bonnie [REDACTED] reported that she lives two houses west of the school and has always been a good  
29 neighbor. She was not contacted about the proposed sign and expressed opposition to it. She also  
30 recommended that if they must have a sign that it be placed on the building.  
31

32 Nancy Hardy believed as an alternative to the electronic sign, that social media and email would  
33 also be a good way to disseminate information.  
34

35 Gary Allen, a nearby resident, concurred with the sign being placed on the building.  
36

37 Dennis Van Duren believed this was similar to another agenda item regarding the illumination  
38 impact in a residential area. He asked that the Commission consider the objections expressed.  
39

40 There were no further public comments. Chair Orr closed the public hearing.  
41

1   **3.2    (Project #CUP-18-003) Public Comment on a Request from Mark and Rhonda Swant**  
2   **and Brian Reuben for Conditional Use and Site Plan Approval to Construct and**  
3   **Operate a Medical Office and a Lot Consolidation and Subdivision Plat Amendment**  
4   **of the Greenfield Village Plat A Subdivision, Affecting Properties Located at 6672**  
5   **and 6690 South Highland Drive (Parcel # 22-21-432-0011 and 22-21-432-0012.**  
6

7   Mr. Hulka presented the staff report and stated that there are two items being considered. They  
8   include conditional use and site approval for a medical office building as well as a lot consolidation  
9   and subdivision plat amendment for property located at 6672 and 6690 South Highland Drive. The  
10   matter was approved by the City Council on February 27, 2018. He reported that 39 parking stalls  
11   are required. The applicant has provided 44. The landscaping requirement is just more than double  
12   the required 23.4%. The minimum lot size requirement is 7,000 square feet. The applicants have  
13   proposed 34,000 square feet. Lot consolidation was determined to meet all applicable  
14   requirements. In addition, the technical revisions will be reviewed by staff as part of the conditions  
15   of approval. The proposed building height is 33' 10", which is less than the 35-foot maximum.  
16   The setbacks are required to be 100% of the building height and have been met. Design materials  
17   and building design will be reviewed by the Architectural Review Commission (ARC) on May 10,  
18   2018. Mr. Hulka suggested lighting be considered closely since what is proposed includes 10-foot  
19   light poles, some of which are along property lines adjacent to residential. The conditions are  
20   subject to change based on the ARC's review. It was requested that traffic, fencing, and lighting  
21   height be considered.  
22

23   Zach Eckman was present on behalf of the contracting company who was hired to build the  
24   proposed structure. He commented that the traffic study should be complete within the week. It  
25   had always been their intent to construct a solid fence along all four sides of the property.  
26   Mr. Eckman noted that the lighting issues will be resolved and will not impact adjacent residents.  
27

28   Commissioner Coutts asked if the proposed height includes the parapet or was measured to the top  
29   of the roof. Mr. Eckman confirmed that the height is measured to the top of the parapet and will  
30   block all rooftop units. The lot will be cleared, and they will not retain any existing trees. He  
31   reported that they hired a Landscape Architect as well.  
32

33   City Engineer, Brad Gilson, reported that each time a development application is received, they  
34   require a Traffic Study be conducted to determine the traffic impact on the existing infrastructure.  
35   The study identifies the current capacity and how much the proposal will add to the existing  
36   system. It also addresses the safety aspects of the proposed development and the impact on roads.  
37   The parking analysis is conducted to determine whether the parking is proportionate to the use and  
38   looks at the capacity of the road and the adjacent intersection. Access management is also included  
39   in the study as well as a lot of other operational criteria.  
40

41   Mr. Gilson noted that there may be some recommendations in terms of how the Highland Drive  
42   and La Cresta area will be striped and how they control movements.  
43

44   At 7:20 p.m. the Planning Commission took a five-minute break.  
45

1 The applicant, Brian Ruben, reported that he is a Plastic Surgeon and the proposed facility will be  
2 occupied by him, another doctor, and a total of 12 employees.

3  
4 Commissioner Coutts commented that as she reviewed the Residential Office Zone, which was is  
5 intended to be a transitional zone, it specifies that the maximum gross floor area is 5,000 and the  
6 gross occupiable space is 10,000 square feet. She believed the proposed plan exceeds the  
7 maximum.

8  
9 Mr. Hulka stated that staff's review was based on a past precedent and the parking shall be based  
10 on the net square footage of the building or use. He agreed to further review the issue.

11  
12 Project Architect, Ryan McCoviack, was of the understanding that the qualification is occupiable  
13 floorspace. He reported that Level 2 measures 4,999 square feet and Level 1 is less than that.

14  
15 Project Architect, Laura Ortega, confirmed that the footprint is less than 5,000 square feet. She  
16 believed the confusion was that they have three levels and the basement cannot be occupied.

17  
18 Chair Orr opened the public hearing.

19  
20 Shane Bekkemellom gave his address as 6705 Village Road and believed there is an inaccuracy in  
21 the staff report as there is another medical practice nearby. Mr. Bekkemellom reported that they  
22 have resided in their home for over 45 years and the eight-foot wall that surrounds the existing  
23 medical building is not sufficient. They have lights that shine into their bedrooms at night and he  
24 emphasized the need for taller fencing. He commented that if approved, his home will be  
25 completely surrounding by businesses. He also expressed concerns with traffic.

26  
27 Barney Bekkemellom stated with the proposed structure, he will have walls on the north and west  
28 sides of his home. He also expressed concern with having two different walls. The existing  
29 lighting comes into his home at night and he asked the Commission to do something to mitigate  
30 the light pollution.

31  
32 Mark Craig gave his address as 6715 South Village Road and reported that he lives directly behind  
33 a dental office where the lighting is very invasive. They are required to have all of the lights turned  
34 off by 9:00 p.m. but they continually leave them on along with the interior lights. He had to hire  
35 an attorney at a cost of \$3,000 to obtain two cutoffs. The adjacent property owner stepped their  
36 property up four feet and pushed two feet of fill that was placed on his property. He also expressed  
37 concern with the increase in traffic and the lack of parking. He indicated that he is opposed to the  
38 proposed project.

39  
40 George Beverley reported that he lives behind the corner of La Cresta. When traffic exiting the  
41 freeway backs up, vehicles cut through his neighborhood. He asked the Commission to consider  
42 the potential increase in traffic.

43  
44 Greg Wittwer thanked the Commission for their diligent work and believed the site lighting will  
45 be best addressed with bollard lighting. He asked how much the site will be raised and believed



1 the proposal will have an impact on the intersection. He commented that it would be short-sighted  
2 for the traffic study to only require them to address existing traffic.

3  
4 Dennis Van Duren gave his address as 6661 Village Road and made a formal request that tonight's  
5 hearing be extended beyond this evening and delay the Architectural Review Commission's  
6 review. He had experience with the previous Planning Commission and the expectations for  
7 Residential Office. He believed the project should blend and commented that the proposal looks  
8 nothing like a residence. The developers agreed to discuss the visual impact the project will have  
9 on the neighborhood and the neighbors stressed that they do not want to see a white building with  
10 large light posts. Mr. Van Duren stated that the Swants confirmed that they will have three-foot-  
11 high lighting and the colors will be earth tones. He believed the request had been rushed and was  
12 opposed to looking at a large, white lit up building. He asked that they be allowed to meet and  
13 discuss the possible impacts prior to the matter going any further. The residents would like to have  
14 the input they were promised to mitigate their concerns. Mr. Van Duren asked for additional time  
15 to arrange for further discussion.

16  
17 Commissioner Coutts did not agree with the need to reschedule although she understood the  
18 concerns raised. She commented that the issue has been ongoing for several months and they want  
19 to be fair to all involved. She noted that the project is not being unduly delayed. Mr. Van Duren  
20 remarked he had only recently been made aware of the issue.

21  
22 Mr. Johnson pointed out that these types of conversations are supposed to take place during ARC  
23 Meetings. The ARC would determine whether additional time is needed to address the matter. No  
24 decisions would be made until after the ARC Meeting. The applicant felt that it was unfair to keep  
25 the matter open for public comment for two more months. Commissioner Wilde was of the opinion  
26 the action item and comment period could take place next month.

27  
28 ***MOTION: Commissioner Wilde moved that the public hearing remain open to allow for***  
29 ***further comment until the meeting of June 6, 2018 and noticed as a public comment item on the***  
30 ***agenda. The motion was seconded by Commissioner Coutts. The motion passed with the***  
31 ***unanimous consent of the Commission.***

#### 32 33 **4.0 ACTION ITEMS**

##### 34 35 **4.1 (Project #CUP-17-008) Action on a Request from the Canyons School District to** 36 **Construct a Public Facilities Electronic Display Sign (PFEDS) at 1820 East 7200** 37 **South (Ridgecrest Elementary School).**

38  
39 Chair Orr recommended that action on the above item be postponed based on discussions that took  
40 place earlier in the meeting.

41  
42 ***MOTION: Commissioner Griffin moved to postpone action on Project #CUP-17-008 until the***  
43 ***June 6, 2018 Meeting. The motion was seconded by Commissioner Rhodes. The motion passed***  
44 ***with the unanimous consent of the Commission.***

1   **4.2    Approval of Minutes for April 4, 2018.**

2  
3   **MOTION:** *Commissioner Coutts moved to postpone approval of the minutes of April 4, 2018*  
4   *until the June 6, 2018 meeting. The motion was seconded by Commissioner Griffin. The motion*  
5   *passed unanimously with one abstention.*

6  
7   **5.0    ADJOURNMENT**

8  
9   *Commissioner Rhodes moved to adjourn. The motion was seconded by Commissioner Bevan.*  
10   *The motion passed with the unanimous consent of the Commission.*

11  
12   The Planning Commission Meeting adjourned at 9:00 p.m.

1 *I hereby certify that the foregoing represents a true, accurate and complete record of the Cottonwood*  
2 *Heights City Planning Commission Meeting held Wednesday, May 2, 2018.*  
3  
4  
5

6   
7  
8  
9

10 Teri Forbes

11 T Forbes Group

12 Minutes Secretary

13  
14 Minutes approved: June 6, 2018